

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

**NABAZ ALI KHOSHNAW and BAHAR
FATAH GARDI**

Civil Case No. CV 07-1355-HU

Agency # A 76 200 560
A 76 200 561

Petitioners,

vs.

Department of Justice, **MICHAEL
MUKASEY**, United States Attorney General;
Federal Bureau of Investigation, **ROBERT S.
MUELLER III**, Director and **MICHAEL A.
CANNON** Chief, National Name Check
Program; Department of Homeland Security,
MICHAEL CHERTOFF, Secretary; and
United States Citizenship and Immigration
Services, **WILLIAM McNAMEE**, Portland
District Director and **EMILIO GONZALES**,
Director,

**ORDER OF REMAND WITH
INSTRUCTIONS**

Respondents.

Based on the joint motion of the parties and the files and records in the case, it is
HEREBY ORDERED AND ADJUDGED as follows.

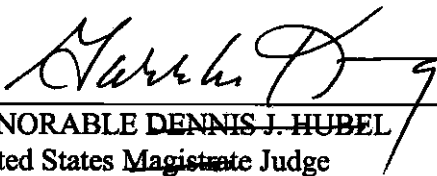
1. This matter shall be remanded to the USCIS defendants with instructions to adjudicate Petitioners' Applications for Naturalization, Immigration Form N-400, and, if the applications are approved, swear in Petitioners as citizens of the United States within 60 days of the date of the order of remand.
2. If, for whatever reason, Petitioners' Applications for Naturalization, Immigration Form N-400, are not adjudicated within 60 days from the date of the order of remand, this Court shall

retain jurisdiction to review the matter.

3. All parties waive their rights to appeal this order of remand.

4. This order of remand shall be without prejudice to the right of Petitioners to apply for attorney fees and costs under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), and related sections, against the Respondents.

Dated this 5th day of Dec., 2007.


HONORABLE DENNIS J. HUBEL
United States Magistrate Judge
District